

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MARYLAND
BALTIMORE DIVISION

IN RE:
RACHEL H. PALMER
Debtor

BCN#: 18-20102

Chapter: 13

WELLS FARGO BANK, NATIONAL
ASSOCIATION, SUCCESSOR BY
MERGER TO WELLS FARGO BANK
MINNESOTA, NATIONAL ASSOCIATION,
AS TRUSTEE FOR REPERFORMING
LOAN REMIC TRUST CERTIFICATES,
SERIES 2003-R1

and its assignees and/or
successors in interest,
Movant/Secured Creditor,

v.

RACHEL H. PALMER
Debtor
Respondents

**MOTION FOR ORDER GRANTING RELIEF
FROM AUTOMATIC STAY**

COMES NOW, WELLS FARGO BANK, NATIONAL ASSOCIATION, SUCCESSOR BY MERGER TO WELLS FARGO BANK MINNESOTA, NATIONAL ASSOCIATION, AS TRUSTEE FOR REPERFORMING LOAN REMIC TRUST CERTIFICATES, SERIES 2003-R1, its assignee and/or successors in interest, (Movant herein), by Counsel, alleges as follows:

1. The above named Debtor filed a Chapter 13 Petition in Bankruptcy with this Court on July 31, 2018.
2. That the bankruptcy court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157 and § 1334 and 11 U.S.C. § 362; Federal Rule of Bankruptcy Procedure 9014. This matter is a core proceeding.
3. The Movant is the current payee of a promissory note secured by a deed of trust upon a parcel of real property with the address of 11 S. Rosedale Street, Baltimore, MD 21229 and more particularly described in the Deed of Trust dated June 26, 2001 and recorded at Liber 1687 at Folio 151, among the land records of the CITY OF BALTIMORE as:

BEGINNING for the same on the east side of Rosedale Street at the distance of ninety-eight feet three inches south from the south side of Baltimore Street and at a point in line with the center of the partition wall there situate, and running thence southerly binding on the east side of Rosedale Street Nineteen feet seven inches to a point in line with the center of the partition wall, there situate. thence easterly to and through the center of said partition wall and continuing the same course in all Seventy-five feet to the west side of a Fifteen foot alley there laid Old, thence northerly binding on the west side of said alley with the use thereof in common Nineteen feet Seven Inches to a point in line with the center of the partition wall first herein mentioned, and thence westerly to and through the center of said partition wall and continuing the same course in all seventy-five feet to the place of beginning. The improvements thereon being known as No. 11 south Rosedale Street.

Copies of the Deed of Trust and Note are attached hereto and made a part hereof by reference.

4. Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contract, judgments, mortgages, and security agreements in support of right to seek a lift of the automatic stay and foreclose if necessary.

5. This Movant is informed and believes, and based upon such information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor.

6. As of November 7, 2019, the approximate total debt figure is \$76,346.81. Movant filed a Proof of Claim which provides a detailed statement of the debt owed, a copy of which is a part of the Court's record, incorporated herein and made a part of this Motion for Relief.

7. The Debtor is in default with regard to payments which have become due under the terms of the aforementioned Note and Deed of Trust since the filing of the Chapter 13 Petition.

As of November 7, 2019, the Debtor is due for:

- o 3 post petition monthly payments of \$553.54 each which were to be paid directly to the Movant, less the amount in Debtors Suspense of \$10.16. and
- o Bankruptcy Attorney Fees of \$850.00 and Costs of \$181.00;

8. The Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.

9. This Movant is informed and believes, and based upon such information and belief, alleges that absent this Court's Order allowing this Movant to proceed with the pending foreclosure, Movant's security will be significantly jeopardized and/or destroyed.

10. That Robert S. Thomas, II, Trustee, has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.

11. This Movant is informed and believes, and based upon such information and belief, alleges that the Debtor has little or no equity in the property. A copy of the Maryland Department of Assessments and Taxation is attached hereto and made a part hereof by reference.

WHEREFORE, the Movant prays for an Order Granting Relief From the Automatic Stay of 11 U.S.C. § 362(a), and for costs of suit and disbursements of this contested matter, including reasonable attorneys fees, and, for such other relief as the court may deem to be proper.

Dated: November 14, 2019

SHAPIRO & BROWN, LLP
Attorney for Movant

By: /s/ Kristine D. Brown
William M. Savage, Esquire
Federal I.D. Bar No. 06335
Kristine D. Brown, Esquire
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Certificate of Service

I hereby certify that on the 14th day of November, 2019, the following person(s) were served a copy of the foregoing Motion for Order Granting Relief From Stay in the manner described below:

Via CM/ECF Electronic Notice:

KIM D. PARKER
LAW OFFICE OF KIM PARKER, P.A.
2123 MARYLAND AVENUE
BALTIMORE, MD 21218

Debtor's Attorney

Robert S. Thomas, II
300 E Joppa Road, Suite 409
Towson, MD 21286

Trustee

Via First Class Mail, Postage Prepaid:

Rachel H. Palmer
11 S. Rosedale Street
Baltimore, MD 21229

Debtor

/s/ Kristine D. Brown
William M. Savage, Esquire
Kristine D. Brown, Esquire
Gregory N. Britto, Esquire
Malcolm B. Savage, III, Esquire
Nicole Lipinski, Esquire

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